

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3161 of 2011

Sanjib Nayak and another *Petitioners*
-versus-
State of Orissa and another *Opposite Parties*

CORAM: JUSTICE S. PUJAHARI

ORDER

04.04.2022

Order
No.

06.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the F.I.R. Baliana P.S. Case No.101 of 2011, corresponding to G.R. Case No.489 of 2011, pending in the Court of S.D.J.M., Bhubaneswar.
3. Heard the learned counsel for the parties.
4. Since the F.I.R. allegation reveals prima facie a cognizable case, this Court is not inclined to quash the aforesaid F.I.R.
5. But giving liberty to the Petitioners to challenge the proceeding at the time of hearing on charge, as it is stated that the charge sheet has already been filed in the meanwhile.

6. Needless to say that when considering the charge, trial court shall not influence by any order of this Court regarding registration of the case but to look into the materials on record and whether the same would attracts the offence alleged or not by sifting the materials as permissible.

7. With the aforesaid order, this CRLMC stands disposed of.

(S. Pujahari)
Judge

DA

